



TEXAS GENERAL LAND OFFICE JERRY PATTERSON, COMMISSIONER

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PRESS RELEASE

West Galveston Island beach project is cancelled

Timing and legal issues from court decision spells end for project

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AUSTIN — Work on a vital West Galveston Island beach renourishment project (CEPRA 1391) has stopped and the project is cancelled, Texas Land Commissioner Jerry Patterson announced today.

The \$40 million effort to restore and nourish six miles of beach - from the west end of the Galveston Seawall to 13 Mile Road - was vital as a defense against high erosion rates threatening the island tax base and infrastructure. The project's contractor was set to begin placing sand on the beach today. The project would have been funded by the General Land Office's Coastal Erosion Planning and Response Act Program with a mix of local, state and federal money.

Patterson said a recent Texas Supreme Court opinion in a case brought forward by California-based Pacific Legal Foundation has muddled the legal waters enough to delay the beach project indefinitely. With projected delay costs in the millions, Patterson decided to stop the \$40 million project.

"Our hands are tied now," Patterson said. "With this much money on the bubble, the delay caused by these legal questions makes it too costly to continue this project."

The Court ruling called into question the definition of the public beach easement, a key provision of the Texas Open Beaches Act. The Court ruled there is no public beach easement on the West Galveston Island beach targeted by the Land Office for renourishment. Without that easement, the Constitutional prohibition against spending public money to improve private property made the project impossible.

"It's ironic that the Pacific Legal Foundation's actions will harm the beachfront property owners they claim to defend," Patterson said. "Without this beach project, beachfront property owners will eventually have a lot less property to own when erosion claims their property as state-owned 'wet beach.'"

"You might win in court, but you can't litigate Mother Nature," Patterson said.

The Land Office is reviewing other ways the money can be used to fight erosion on Galveston Island that may not conflict with the court decision.

Patterson also announced he will host an open question and answer session in Galveston for beachfront property owners, property rights advocates and the general public to learn more about the court decision and its effect on the Texas Open Beaches Act. Details will be forthcoming.

Broadcast quality video footage of homes on the beach on Galveston Island may be downloaded here: <http://tinyurl.com/glo-beachhomes>

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